

IN THE UNITED STATES DISTRICT COURT *RECEIVED
CLERK'S OFFICE, U.S. DISTRICT COURT, CHARLESTON, SC*
FOR THE DISTRICT OF SOUTH CAROLINA

2016 APR - 6 A 8:57

Barbara Anne Earle,)
v. Plaintiff,)
Carolyn W. Colvin,) Civil Action No. 9:15-1540-SB
Acting Commissioner)
of Social Security,)
Defendant.)
ORDER

This matter is before the Court on Plaintiff Barbara Anne Earle's complaint seeking judicial review of the final decision of the Commissioner of Social Security, pursuant to Section 205(g) of the Social Security Act, as amended (42 U.S.C. § 405(g)), which denied her claim for disability insurance benefits. The record includes the report and recommendation ("R&R") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a), D.S.C. In the R&R, which was filed on March 15, 2016, the Magistrate Judge recommends that the Court affirm the Commissioner's decision denying benefits. Attached to the R&R was a notice advising the parties of the right to file written objections to the R&R within fourteen days of receiving a copy, but to date no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in

part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’ “) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the R&R (Entry 10) and incorporates it herein. Because the record contains substantial evidence to support the Commissioner’s conclusion that the Plaintiff was not disabled within the meaning of the Social Security Act during the relevant time period, it is

ORDERED that the Commissioner’s decision is affirmed.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

April 5, 2016
Charleston, South Carolina

